

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION


EWING CONSTRUCTION CO., INC.,	§	
	§	
Plaintiff,	§	
VS.	§	CIVIL ACTION NO. C-10-256
	§	
AMERISURE INSURANCE COMPANY,	§	
	§	
Defendant.	§	

FINAL JUDGMENT

In accordance with this Court's Order granting Defendant's Motion for Summary Judgment, the Court hereby enters Final Judgment DISMISSING this case in its entirety. The Court enters the following declaratory judgments:

- (1) Defendant Amerisure Insurance Company ("Amerisure") owes no duty to defend Plaintiff Ewing Construction Co., Inc. ("Ewing") in the Underlying Lawsuit, styled Tuloso-Midway Independent School District v. Liberty Mutual Insurance Company, et al., Cause No. 10-603421, in County Court at Law No. 1 of Nueces County, Texas, and for the same reasons, owes no duty to indemnify Ewing from any resulting judgment in the Underlying Lawsuit.
- (2) Defendant Amerisure has not breached its insurance contract with Ewing with respect to its denial of a defense for the Underlying Lawsuit.
- (3) Defendant Amerisure is not liable under the Prompt Payment of Claims Act.

SIGNED and ORDERED this 28th day of April, 2011.


Janis Graham Jack
United States District Judge